

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION,

Plaintiff,

v.

U-HAUL INTERNATIONAL, INC  
and  
U-HAUL OF ILLINOIS, INC. d/b/a  
U-HAUL CO. OF NORTHWEST CHICAGO  
SUBURBS

Defendants.

JUDGE JOAN H. LEFKOW  
MAGISTRATE JUDGE ASHMAN

CIVIL ACTION NO.

04C 6162

COMPLAINT  
JURY TRIAL DEMAND

FILED-ED4  
15:1011M  
22 SEP 2004  
U.S. DISTRICT COURT  
DOCKETED  
SEP 22 2004

NATURE OF THE ACTION

This is an action under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e et seq., and Title I of the Civil Rights Act of 1991 to correct unlawful employment practices on the basis of race and retaliation and to provide appropriate relief to Gary Townes who was adversely affected by such practices. Plaintiff Equal Employment Opportunity Commission alleges that Defendants U-Haul International, Inc. and U-Haul Co. of Illinois, Inc. d/b/a U-Haul Co. of Northwest Chicago Suburbs (collectively "Defendants") discriminated against Gary Townes by altering the terms and conditions of his employment, suspending and demoting him, and terminating him for complaining about race discrimination.

JURISDICTION AND VENUE

1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§ 451, 1331, 1337, 1343 and 1345. This action is authorized and instituted pursuant to Section 706(f)(1) and (3) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e-5(f)(1) and (3) and Section 102 of

the Civil Rights Act of 1991, 42 U.S.C. § 1981a ("Title VII").

2. The employment practices alleged to be unlawful were and are now being committed within the jurisdiction of the United States District Court for Northern District of Illinois, Eastern Division.

### PARTIES

3. Plaintiff, the Equal Employment Opportunity Commission (the "Commission"), is the agency of the United States of America charged with the administration, interpretation and enforcement of Title VII, and is expressly authorized to bring this action by Section 706(f)(1) and (3) of Title VII, 42 U.S.C. § 2000e-5(f)(1) and (3).

4. At all relevant times, Defendant U-Haul International, Inc. has continuously been a corporation doing business in the State of Illinois and the Cities of (including but not limited to) Forest Park and Crystal Lake and has continuously had at least 15 employees.

5. At all relevant times, Defendant U-Haul International, Inc. has continuously been an employer engaged in an industry affecting commerce within the meaning of Sections 701(b), (g) and (h) of Title VII, 42 U.S.C. §§ 2000e(b), (g) and (h).

6. At all relevant times, Defendant U-Haul Co. of Illinois, Inc. d/b/a U-Haul Co. of Northwest Chicago Suburbs has continuously been a corporation doing business in the State of Illinois and the Cities of (including but not limited to) Forest Park and Crystal Lake and has continuously had at least 15 employees.

7. At all relevant times, Defendant U-Haul Co. of Illinois, Inc. d/b/a U-Haul Co. of Northwest Chicago Suburbs has continuously been an employer engaged in an industry affecting commerce within the meaning of Sections 701(b), (g) and (h) of Title VII, 42 U.S.C. §§ 2000e(b), (g) and (h).

**STATEMENT OF CLAIMS**

8. More than thirty days prior to the institution of this lawsuit, Gary Townes filed a charge with the Commission alleging violations of Title VII by Defendants. All conditions precedent to the institution of this lawsuit have been fulfilled.

9. Since at least 2002, Defendants have engaged in unlawful employment practices at its facilities, in violation of Section 703(a)(1) and 704(a) of Title VII, 42 U.S.C. § 2000e-2(a)(1) and 2000e-3(a). These unlawful employment practices include, but are not limited to the following:

- (a) detrimentally affecting the terms and conditions of Townes' employment by removing important equipment from his workplace because of his race and because he complained of race discrimination;
- (b) demoting and suspending Townes because he complained of race discrimination; and
- (c) terminating Townes because he complained of race discrimination.

10. The effect of the practices complained of in paragraph 9 above has been to deprive Gary Townes of equal employment opportunities and otherwise adversely affect his status as an employee, because he is African American and because he complained of race discrimination.

11. The unlawful employment practices complained of in paragraph 9 above were intentional.

12. The unlawful employment practices complained of in paragraph 9 above were done with malice or with reckless indifference to the federally protected rights of Gary Townes.

**PRAYER FOR RELIEF**

Wherefore, the Commission respectfully requests that this Court:

- A. Grant a permanent injunction enjoining Defendants, their officers, successors, assigns, and all persons in active concert or participation with them, from engaging any employment

practice which discriminates because of race and retaliating against employees who exercise their rights under Title VII.

B. Order Defendants to institute and carry out policies, practices, and programs which provide equal employment opportunities for African Americans, and which eradicate the effects of its past and present unlawful employment practices.

C. Order Defendants to make whole Gary Townes by providing appropriate backpay with prejudgment interest, in amounts to be determined at trial, and other affirmative relief necessary to eradicate the effects of its unlawful employment practices.

D. Order Defendants to make whole Gary Townes by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described in paragraph 9 above, in amounts to be determined at trial.

E. Order Defendants to make whole Gary Townes by providing compensation for past and future nonpecuniary losses resulting from the unlawful practices complained of in paragraph 9 above, including emotional pain, suffering, inconvenience, loss of enjoyment of life, and humiliation, in amounts to be determined at trial.

F. Order Defendants to pay Gary Townes punitive damages for its malicious and reckless conduct described in paragraph 9 above, in amounts to be determined at trial.

G. Grant such further relief as the Court deems necessary and proper in the public interest.

H. Award the Commission its costs in this action.

JURY TRIAL DEMAND

The Commission requests a jury trial on all questions of fact raised by its complaint.

Respectfully submitted,

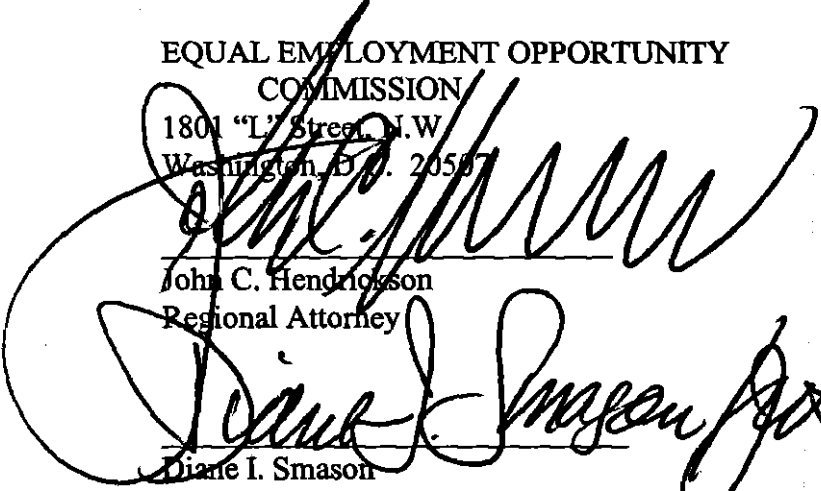
Eric Dreiband  
General Counsel

James Lee  
Deputy General Counsel

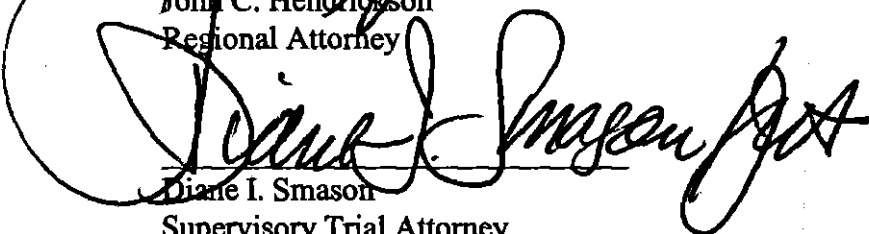
Gwendolyn Young Reams  
Associate General Counsel

EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION

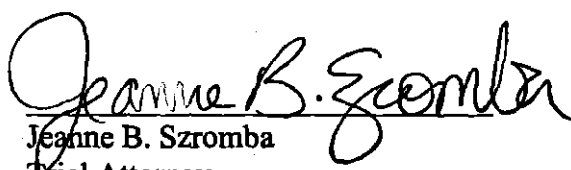
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Washington, D.C. 20557



John C. Henderson  
Regional Attorney



Diane I. Smason  
Supervisory Trial Attorney



Jeanne B. Szromba  
Trial Attorney

EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS

JUDGE JOAN H. LEFKOW

MAGISTRATE JUDGE ASHMAN  
**Civil Cover Sheet 04C 6162**

This automated JS-44 conforms generally to the manual JS-44 approved by the Judicial Conference of the United States in September 1974. The data is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. The information contained herein neither replaces nor supplements the filing and service of pleadings or other papers required by law. This form is authorized for use only in the Northern District of Illinois.

**DOCKETED**

SEP 22 2004

**Plaintiff(s): U.S. EQUAL EMPLOYMENT  
OPPORTUNITY COMMISSION**

**Defendant(s): U-HAUL INTERNATIONAL,  
INC. AND U-HAUL OF ILLINOIS INC., d/b/a  
U-HAUL CO. OF NORTHWEST CHICAGO  
SUBURBS**

County of Residence:

County of Residence: Cook

Plaintiff's Atty: Jeanne B. Szromba  
Equal Employment Opportunity  
Commission  
500 W. Madison St., Suite 2800  
Chicago, IL 60661  
(312) 353-7546

Defendant's Atty:

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45:01W 22 SEP 20  
U.S. DISTRICT COURT  
CLEM

**II. Basis of Jurisdiction: 1. U.S. Gov't Plaintiff**

**III. Citizenship of Principal  
Parties (Diversity Cases Only)**

Plaintiff:- N/A  
Defendant:- N/A

**IV. Origin : 1. Original Proceeding**

**V. Nature of Suit: 442 Employment**

**VI. Cause of Action: Title VII of the Civil Rights Act of 1964 and Title I of the Civil  
Rights Act of 1991 to correct unlawful employment practices on the  
basis of race and retaliation.**

**VII. Requested in Complaint**

Class Action:  
Dollar Demand:  
Jury Demand: Yes

**VIII. This case IS NOT a refiling of a previously dismissed case.**

Signature: Jeanne B Szromba 9/22/04

**UNITED STATES DISTRICT COURT JUDGE JOAN H. LEFKOW**  
**NORTHERN DISTRICT OF ILLINOIS**  
**EASTERN DIVISION MAGISTRATE JUDGE ASHMAN**

In the Matter of

U.S. Equal Employment Opportunity Commission,  
 v. Plaintiff,  
 U-Haul International, Inc. and U-Haul of Illinois Inc.,  
 d/b/a U-Haul Co. of Northwest Chicago Suburbs,  
 Defendants.

**04C 6162**  
 Case Number:

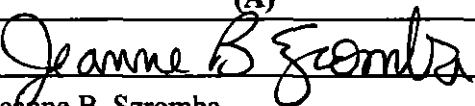
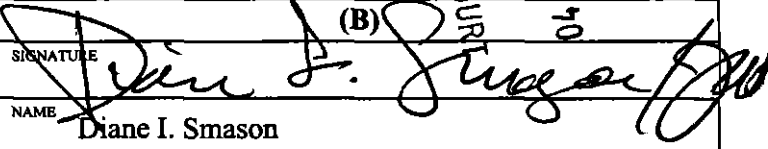
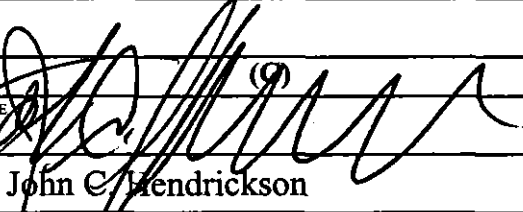
APPEARANCES ARE HEREBY FILED BY THE UNDERSIGNED AS ATTORNEY(S) FOR:

U.S. Equal Employment Opportunity Commission, Plaintiff

**DOCKETED**

SEP 22 2004

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 U.S. DISTRICT COURT

(A)		(B)	
SIGNATURE 		SIGNATURE 	
NAME Jeanne B. Szromba		NAME Diane I. Smason	
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		DESIGNATED AS LOCAL COUNSEL? YES <input type="checkbox"/> NO <input type="checkbox"/>	
(C)		(D)	
SIGNATURE 		SIGNATURE	
NAME John C. Hendrickson		NAME	
FIRM Equal Employment Opportunity Commission		FIRM	
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IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE) ARDC No. 01187589		IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE)	
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